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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETRA MARTINEZ,

Plaintiff,

vs.

AMERICA'S WHOLESALE LENDER, et al.,

Defendants.

Case No. 3:09-cv-5630-WHA

**EX PARTE MOTION TO CORRECT  
RECORD**

PETRA MARTINEZ (Plaintiff) hereby presents this Motion to Correct the Record ex parte after conferring with opposing counsel. Plaintiffs specifically seek an order that Plaintiff may upload the Complaint she caused to be filed to replace the Complaint currently on file with the court, to which the exhibits were somehow altered from their original state.

**I. GROUNDS FOR EX PARTE RELIEF**

The complaint filed herein does not reflect the complaint which Plaintiff's attorney's office caused to be filed at the Superior Court for the County of Monterrey. The Complaint Plaintiff's Counsel caused to be filed contained, including exhibits, 69 pages. The packet Plaintiff caused to be served on Defendants contained 75 pages. Exhibit D, in particular, was a single page. In the version filed with this court, Exhibit D is a several hundred page prospectus which Plaintiff's counsel did not attach to the Complaint and has never seen before.

Plaintiff's counsel has followed us with Rapidlegal, which is a court filing service employed by Michael Rooney Law Office, who has confirmed that the original document

Ex Parte Motion to Correct Record

1 did not contain the current version of Exhibit D. Opposing counsel attests that the version  
2 filed with this court was obtained from the County of Monterrey.

3 In the interests of justice, plaintiffs seek to replace the version on file with the  
4 version Plaintiff caused to be filed at the court.

## 5 **II. CONCLUSION**

6 Based upon the foregoing, Plaintiff respectfully requests that the Court grant relief as  
sought herein.

7 Dated: December 21, 2009

Respectfully Submitted,  
8 /S/ Michael Patrick Rooney  
Michael Patrick Rooney, Esq.  
9 Attorney for Plaintiff  
PETRA MARTINEZ

## 11 **MICHAEL PATRICK ROONEY'S DECLARATION IN SUPPORT AND** 12 **DECLARATION OF NOTICE**

- 13 1. The complaint filed herein does not reflect the First Amended which I office caused  
14 to be filed at the Superior Court for the County of Monterrey.
- 15 2. The First Amended Complaint I caused to be filed contained, including exhibits, 69  
16 pages.
- 17 3. The packet I caused to be served on Defendants contained 75 pages.
- 18 4. Attached to this declaration as Exhibit A is the First Amended Complaint as I  
caused it to be filed.
- 19 5. I have followed us with Rapidlegal, which is a court filing service employed by  
20 Michael Rooney Law Office, who has confirmed that the original document did not  
21 contain the current version of Exhibit D.
- 22 6. Opposing counsel, attests that the version filed with this court was obtained from  
the County of Monterrey.
- 23 7. I do not know how the several hundred page propsectus got into the exhibits,  
24 because I have never laid eyes on it before in my life.

25 I swear the above to be true and correct under the penalty of perjury and executed this  
26 declaration on December 22, 2009 at San Francisco, CA.

27 /S/ Michael Patrick Rooney  
Michael Patrick Rooney, Esq.